

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q83894

G. Greco et al.

Appln. No.: 10/509,391

Group Art Unit: 3637

Confirmation No.: 5839

Examiner: J.V. Chen

Filed: September 28, 2004

For: CPS COLOR EQUIPMENT SPA

RESPONSE TO ELECTION OF SPECIES REQUIREMENT WITH TRAVERSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Election of Species Requirement, dated August 9, 2007.

The Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required Applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes claim 1 is generic. Applicants have been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicants elect Species I, Figures 1, 3, and 4 for examination, on which claims 14-19 and 21-27 are readable. It is believed that claims 14, 15, 17, 21 and 23-27 are generic.

This election is made with traverse for the reasons discussed below.

According to the MPEP:

Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why ***>each invention< as claimed *>is<** either independent or distinct **>from the other(s)<**; and (B) the reasons **>why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons<** for insisting upon restriction therebetween as set forth in the following sections. MPEP 808.

***>The particular reasons relied on by the examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given.** MPEP 808.01 (emphasis added).

Where the * inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:

- (A) Separate classification thereof ...
- (B) A separate status in the art when they are classifiable together ...
- (C) A different field of search ... MPEP 808.02

However, the Examiner has not provided any reasons as to why there would be a serious burden. Therefore, Applicants request that the restriction requirement be withdrawn. In addition, even if the Examiner is correct in asserting that there are three separate and distinct species, all of the claims, except for claim 20, read on Species I. Therefore, the Examiner would be required to examine only one additional claim, claim 20. Applicants do not believe that this would constitute a serious burden.

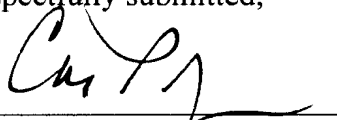
RESPONSE TO ELECTION OF SPECIES REQUIREMENT WITH TRAVERSE Attorney Docket No.: [ma
U.S. Application No.: [application_no]

This responds to the Election of Species Requirement, dated August 9, 2007. Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected claim 20.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: October 9, 2007